

Application No. 10/795,901  
Filed: March 8, 2004  
TC Art Unit: 2617  
Confirmation No.: 1538

REMARKS

Claims 1-46 are pending and stand rejected under 35 U.S.C. §103(a). Claims 1, 18, 32, and 46 are amended herein.

Claim 1

Claim 1 stands rejected over U.S. Pat. No. 6,122,354 to Dowens ("Dowens") in view of U.S. Pat. No. 5,303,297 to Hillis ("Hillis").

With regard to claim 1, the Examiner asserts that Dowens teaches computing a rate schedule based upon a rate plan, and determining a duration of a communications event by comparing the rate schedule to a monetary account balance. Dowens discloses that a calling party may use a pre-paid calling card to initiate a telephone call. In response to receipt of the pre-paid calling card number, a controller retrieves calling card data associated with the pre-paid calling card from a memory or from a database. (Dowens, col. 2, ll. 28-33). Part of the calling card data may contain an "amount remaining" field. (Col. 2, ll. 43-46). In one embodiment disclosed by Dowens, the pre-paid calling card may be a fixed dollar amount calling card, and the "amount remaining" field may be a dollar amount remaining for the pre-paid calling card. (Col. 2, ll. 50-53).

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Dowens states: "If telephone charges are 10¢ per minute and the pre-paid calling card has \$10 remaining then charges for calls are deducted from the amount remaining field 310 until the amount remaining field 310 reaches zero." (Col. 2, ll. 53-57). Since Dowens generally discloses the capability to enable the extension of applicable credit during a call, one can presume that the quoted language from Dowens suggests that some form of periodic accounting is performed against the respective calling card data. There appears to be no recitation in Dowens of the ability to calculate, before or contemporaneous with call connection, how long a call may continue (i.e., a maximum allowable call duration) based upon the available credit as reflected in the respective calling card data.

This conclusion is also supported by the flow chart shown in Fig. 5 of Dowens. A calling card call is received (S1000) and calling card information is retrieved (S1002). If a credit limit has not yet been reached (S1004), a test is made to determine if the call is connected (S1006). If not connected, it is connected (S1008). If the call is already connected, a test is made to determine if the call is completed (S1030). If the call is not completed per step S1030 or if the call has just been connected per step S1008, the process loops to the inquiry of whether the

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credit limit has been reached (S1004). This apparently reflects a periodic assessment as to whether a credit balance associated with a calling card account has reached a lower limit, thus necessitating extension (S1012 et seq.).

The disclosure of Hillis appears to be summarized as "a method for providing one or more individual subscriber units (ISU) of a communication system with realtime information on the cost of the communication service by determining the calling rate based on ISU location and system loading, sending the calling rate to one or more of the ISUs, and thereafter connecting or not connecting a call between the ISUs based on a response from the operator of the ISU." (Hillis, col. 2, ll. 54-61). It includes a "means for computing a current calling rate based in part on current realtime usage of the communication system for at least one of the first or second locations." (Col. 2, l. 68 - col. 3, l. 3).

Claim 1 of the instant patent application, as now amended, recites method steps, including "associating a rate plan with the request, the rate plan being associated with at least two predetermined connection rates." The Examiner acknowledges that Dowens fails to disclose such a step. Dowens in fact appears to disclose only a single rate per calling card account.

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It can be asserted that Hillis also fails to disclose this claim step. While Hillis appears to disclose the dynamic calculation of different calling rates as conditions pertaining to a call change, it is not evident from the disclosure of Hillis that a rate plan, associated with a communications event request, is associated with at least two predetermined connection rates.

Claim 1 further recites the step of "computing a rate schedule based on the rate plan." Applicant respectfully disagrees with the Examiner's position that Dowens discloses this step. Specifically, it is Applicant's position that if Dowens does not disclose the step of associating a rate plan with the request, the rate plan being associated with at least two connection rates, then Dowens cannot disclose computing a rate schedule based on that rate plan. Since Dowens only discloses only a single connection rate per call, there is no need to compute a rate schedule - the rate of Dowens never changes with time.

It is respectfully submitted that Hillis also fails to disclose the step of "computing a rate schedule based on the rate plan." As discussed above, Hillis appears to disclose the dynamic calculation of a calling rate in response to changes in call characteristics, such as location of one or more of the call

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participants and the realtime usage or loading of the communications channel used by the relevant call. Since the state of these factors is unknown *ab initio*, it would be impossible for Hillis to define a rate schedule absent such knowledge.

Claim 1 of the present patent application concludes with the step of "determining a maximum allowable duration of the communications event by comparing the rate schedule to the monetary account balance." Since it is Applicant's position that neither Dowens nor Hillis discloses the computation of a rate schedule as claimed, neither can be viewed as disclosing the determination of a maximum allowable communications event duration by comparing such a rate schedule to a monetary account balance. To reiterate, Dowens discloses the use of only one rate per call; the concept of a rate schedule under such circumstances is meaningless. The disclosure of Hillis calculates a new rate or rates as conditions associated with a call change. It is not possible to calculate a rate schedule without knowing how these conditions will change.

In view of these deficiencies in the teachings of Dowens and Hillis, it is respectfully suggested that neither reference, alone or in combination, teaches the method of claim 1. Consequently,

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Applicant respectfully submits that claim 1 as amended is in condition for allowance.

Claims 18, 32, and 46

The Examiner has rejected independent claims 18, 32, and 46 on the same basis as claim 1. System claim 18, method claim 32, and computer-readable medium claim 46, as amended herein, each recite at least limitations of substantially the same scope as claim 1 and thus are believed to be allowable over the combination of Dowens in view of Hillis at least for the foregoing reasons.

Claims 3-17, 20-31, 33-35, and 37-45

Claims 3-17, 20-31, 33-35, and 37-45 stand rejected under 35 U.S.C. §103(a) over Dowens in view of Hillis. Each of these claims depends directly or ultimately from a respective independent claim that is believed to be allowable for the foregoing reasons. Consequently, each of these claims is also believed to be allowable at least for the reason of depending from an allowable base claim.

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Claims 2, 19, and 36

Claims 2, 19, and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dowens in view of Hillis, in further view of U.S. Pat. No. 6,075,982 to Donovan et al. ("Donovan"). Regardless of any suggested teaching of a connection charge rate or a tax charge rate by Donovan, as asserted by the Examiner, it is respectfully submitted that Donovan fails to address the deficiencies of Dowens and Hillis with respect to independent claims 1, 18, and 32. Thus, it is submitted that claims 2, 19, and 38 are allowable at least as depending directly from a respective allowable base claim.

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In view of the foregoing amendments and remarks, Applicant respectfully requests that the Examiner reconsider the rejections and allow the claims. If a telephone conference would be of use in forwarding the present application towards allowance, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

Respectfully submitted,

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